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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
RAYMOND FALCON GALLEGOS,)
)
Defendant.)

No. CR 11-00592 EJD

STIPULATION TO CONTINUE STATUS
HEARING AND ~~PROPOSED~~ ORDER
EXCLUDING TIME FROM AUGUST 6,
2012 TO AUGUST 27, 2012

The defendant, RAYMOND FALCON GALLEGOS, represented by JAMES MCNAIR THOMPSON, Esquire, and the government, represented by DANIEL R. KALEBA, Assistant United States Attorney, hereby stipulate and request to continue the August 6, 2012 status hearing for three weeks to August 27, 2012. The defendant is currently undergoing a Court ordered competency evaluation. Furthermore, the defense investigation is ongoing. The purpose of the continuance is to allow additional time for the completion of the competency evaluation , as well as for necessary defense investigation.

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Stipulation and [Proposed] Order
CR 11-00592 EJD

Time has been continued through August 6, 2012. Counsel requests that time be excluded under the Speedy Trial Act between August 6, 2012 and the next court appearance because additional time is necessary to complete the competency evaluation process, to review the discovery, and to conduct necessary investigation.

IT IS SO STIPULATED.

Dated: August 2, 2012

/s/
JAMES MCNAIR THOMPSON
Attorney for Defendant
RAYMOND FALCON GALLEGOS

Dated: August 2, 2012

/s/
DANIEL R. KALEBA
Assistant United States Attorney

Based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between August 6, 2012 and [August 27, 2012] would unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court ordered competency evaluation is also ongoing. 18 U.S.C. § 3161(h)(1)(A). The Court further finds that the ends of justice served by excluding the time between August 6, 2012 and [August 27, 2012] from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between August 6, 2012 and [August 27, 2012] shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(1)(A) and 3161(h)(7)(A) and (B)(iv).

DATED: August 3, 2012


EDWARD J. DAVILA
United States District Judge